

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

HELEN E. MARSH, Regional Director
of the Third Region of the National Labor
Relations Board for and on behalf of the
NATIONAL LABOR RELATIONS BOARD,

Petitioner,

v.

HEALTHCARE SERVICES GROUP, INC.,
AARON MANOR REHABILITATION AND
NURSING CENTER, LLC, and UNITED
FOOD AND COMMERCIAL WORKERS,
LOCAL 1

Respondents.

ORDER
05-CV-768S

1. On October 25, 2005, Helen E. Marsh, Regional Director of the Third Region of the National Labor Relations Board filed a petition for an injunction under section 10(j) of the National Labor Relations Act. Petitioner also filed a motion to shorten time and for an expedited hearing in connection with the petition.¹

2. Three days later, on October 28, 2005, Petitioner moved to “try” the section 10(j) injunction petition on the basis of the administrative record and on supplemental affidavits relating to the question of whether injunctive relief is “just and proper.”² In the event the Court determines that it is necessary to hear testimony in connection with the

¹ The petition and motion were accompanied by a memorandum in support of the petition for injunction; a memorandum in support of the motion to shorten time; and the affidavit of Helen E. Marsh in support of the petition for injunction and motion to shorten time.

² Petitioner filed a memorandum and the affidavit of Beth Mattimore in support of this request.

petition, Petitioner continues to assert its request to shorten time and for an expedited hearing.

3. Pursuant to 29 U.S.C. § 160(j), upon the filing of a petition for injunctive relief against a person alleged to have engaged or be engaging in an unfair labor practice, “the court shall cause notice thereof to be served upon such person, and thereupon shall have jurisdiction to grant to the Board such temporary relief or restraining order as it deems just and proper.”

IT HEREBY IS ORDERED, that Petitioner Helen E. Marsh or another authorized agent of the Third Region of the National Labor Relations Board serve a copy of this Order, together with a copy of the petition, the related exhibits and supporting papers, the pending motions, and the papers filed in support thereof (Docket Nos. 1-6, 8-9 and 13) upon each Respondent by overnight mail, and file proof of mailing of same, on or before November 3, 2005.

FURTHER, that Respondents shall, not more than 20 days following their receipt of the Order, petition, motions and supporting papers, file a response to the petition, a response to the motion to shorten time and for an expedited hearing and a response to the motion to try the petition on the basis of the administrative record and supplemental affidavits.

FURTHER, that Petitioner shall file its reply papers, if any, on or before November 30, 2005.

FURTHER, that a status conference and oral argument on the motions to shorten time and for an expedited hearing and to try the petition on the basis of the administrative record and supplemental affidavits is scheduled for Tuesday, December 13, 2005 at 9:00

A.M..

SO ORDERED.

Dated: November 1, 2005
Buffalo, New York

/s/William M. Skretny
WILLIAM M. SKRETNY
United States District Judge